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4 WANAG TAHATAN-BEY,
5 Plaintiff,

6 v.
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8 THE ESTATE OF KEVIN PAUL
9 WOODRUFF ET AL,
10 Defendant.

11 Case No. 21-cv-02145-JSC
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13 **ORDER OF REASSIGNMENT AND
14 REPORT AND RECOMMENDATION
15 TO DISMISS**

16 Plaintiff Wanag Tahatan-Bey initiated this matter by filing a Consensual Decree Order
17 Certified Foreign Judgment, classified as a miscellaneous case. (Dkt. No. 1.)¹ The Court
18 subsequently ordered the matter reclassified as a civil case, (Dkt. No. 2), and Plaintiff was notified
19 that the new filing fee is \$402.00, (Dkt. No. 4). On June 4, 2021, the Court ordered Plaintiff to
pay the filing fee or file a motion to proceed *in forma pauperis*, directing him to the Northern
District's Legal Help Center for free assistance. (Dkt. No. 5.) To date, Plaintiff has not paid the
filing fee or filed a motion to proceed *in forma pauperis*.

20 Because the parties have not consented to the Court's jurisdiction, the Clerk of Court is
21 ordered to REASSIGN this action to a district court judge. *See Williams v. King*, 875 F.3d 500,
22 501, 504 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening
23 because unserved defendants had not consented to proceed before magistrate judge). The Court
24 RECOMMENDS that the district court judge dismiss the action without prejudice for failure to
25 pay the required fee.

26 Any party may file objections to this report and recommendation with the district court
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¹ Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the
ECF-generated page numbers at the top of the documents.

1 judge within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R.
2 Civ. P. 72(b); N.D. Cal. Civ. L.R. 72-3. Failure to file objections within the specified time may
3 waive the right to appeal the district court's ultimate order.

4 **IT IS SO RECOMMENDED.**

5 Dated: September 10, 2021

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JACQUELINE SCOTT CORLEY
United States Magistrate Judge